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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/815,074

03/31/2004

Stephen R. Lawrence

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09/20/2006

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EXAMINER

TIMBLIN, ROBERT M

ART UNIT

PAPER NUMBER

2167

DATE MAILED: 09/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/815,074	<b>Applicant(s)</b> LAWRENCE ET AL.	
	<b>Examiner</b> Robert M. Timblin	<b>Art Unit</b> 2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/12/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This office action corresponds to application 10/815,074 filed 3/31/2004.

Claims 1-21 have been examined and are pending prosecution.

### ***Information Disclosure Statement***

The information disclosure statements (IDS) submitted on 10/12/2004 is being considered by the examiner.

### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description:

With respect to figure 3: drawing reference 324.

With respect to figure 4: drawing references 402, 404, 406, 408, 410, 412, and 414.

With respect to figure 5: drawing references 504, 508, 510, 512.

With respect to figure 7: drawing reference 706.

With respect to figure 9: drawing reference 916.

With respect to figure 11: drawing reference 1114.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the

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application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Claim Rejections - 35 USC § 112***

Claim 17 recites the limitation "the input signal" in the second line. There is insufficient antecedent basis for this limitation in the claim. Specifically, it is not clear as to whether the claimed input signal is a second or first input signal.

#### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-21 are rejected under 35 U.S.C. 101 because they are directed towards non-statutory matter. Specifically:

Claims 1-17 are rejected for failing to provide a result that is useful, concrete and tangible. In detail, the result of these claims is merely a determination. The lack of a tangible result leaves the determination to be realized.

Claims 18-21 are rejected for being unclear on how the program code is encoded on the computer-readable medium (i.e. if encoding is to be interpreted the same as storing the program code).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 9-12, 16-18, and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Barrett et al. ('Barrett' hereinafter) (U.S. Patent Application 2003/0135490). Barrett teaches the claims in the following drawing references of figure 1 and the following cited paragraphs.

With respect to claim 1, Barrett teaches a method comprising:

determining a first article identifier 8 associated with a source 2, 4 ([0011], figure 1, selecting information that satisfies a users' needs).

receiving an input signal indicating an interest 8, 10 in the first article identifier ([0011]; figure 1, selecting information, i.e. clicking on a link).

determining a second article identifier 12 associated with the source 2, 4 ([0012]; figure 1, selecting more information); and

determining a score 14 associated with the second article identifier 12 based at least in part on the input signal 8, 10 ([0011-0012], negative score).

With respect to claim 2, Barrett teaches

the input signal indicates a selection of the first article identifier ([0011], clicking a link).

With respect to claim 3, Barrett teaches

the input signal comprises lack of selection of the first article identifier for at least a specified amount of time where the first article identifier is displayed to the user ([0012], tracking time spent with the information).

With respect to claim 4, Barrett teaches

the input signal comprises user activity associated with the first article ([0011], clicking a link).

With respect to claim 5, Barrett teaches

the user activity comprises one or more of viewing duration, scrolling, mouse movement, selection of links from the article, saving, printing, and bookmarking ([0012], time the user spent with the information).

With respect to claim 9, Barrett teaches

the source comprises one of query type, query term, application, type of application, article type, and event type ([0010], collection of information).

With respect to claim 10, Barrett teaches

the query type comprises one of current sentence, current paragraph, text near the cursor, extracted terms, and identified entries ([0010], request against existing index of the collection of information).

With respect to claim 11, Barrett teaches

the method of claim 1, wherein the score comprises a relevance score ([0013], relevancy ranking).

With respect to claim 12, Barrett teaches

the score comprises a popularity score ([0013], popularity scoring).

With respect to claim 16, Barrett teaches

associating a weight with one or more sources ([0040], weighting of popularity scores).

With respect to claim 17, Barrett teaches

the weight for each source is updated based at least in part on the input signal ([0013], refinements to relevancy rankings).

With respect to claim 18, Barrett teaches

A computer-readable medium (drawing reference 156) on which is encoded program code, the program code comprising:

program code for determining a first article identifier 8, 10 associated with a source 2, 4 ([0011], figure 1, selecting information that satisfies a users' needs);

program code for receiving an input signal indicating an interest 8, 10 in the first article identifier 8 ([0011]; figure 1, selecting information, i.e. clicking on a link);

program code for determining a second article identifier 12 associated with the source 2, 4 ([0012]; figure 1, selecting more information); and

program code for determining a score 14 associated with the second article identifier 12 based at least in part on the input signal 8, 10 ([0011-0012], negative score).

With respect to claim 21, Barrett teaches

associating a weight with one or more sources ([0040], weighting of popularity scores).



***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-8, 13-15, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrett as applied to claims 1-5, 9-12, 16-18, and 21 above in view of Claypool et al. ('Claypool' hereinafter) "Inferring User Interest" by Mark Claypool, David Brown, Phong Le, Makoto Waseda in IEEE Internet Computing 5(6): 1-17 (2001).

With respect to claim 6, Barrett fails to expressly disclose user activity associated With articles linked from the first article.

Claypool, however teaches this limitation as following a link to another page (p. 9, section 4.5).

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the teachings of Claypool would have given Barrett's method further techniques to know the user's level of interest in the current Web Page (p.2, first paragraph of Claypool).

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With respect to claim 7, Barrett fails to expressly disclose selecting a user interface object associated with negative interest in the article.

Claypool, however, teaches this limitation as an Explicit Interest Indication Window (figure 4, Claypool).

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the teachings of Claypool would have given Barrett's method further techniques to know the user's level of interest in the current Web Page (p.2, first paragraph of Claypool).

With respect to claim 8, Barrett fails to expressly disclose the input signal comprises a user rating.

Claypool, however, discloses this limitation as explicit ratings (p. 9 section 4.5).

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the teachings of Claypool would have given Barrett's method further techniques to know the user's level of interest in the current Web Page (p.2, first paragraph of Claypool).

With respect to claims 13 and 14, Barrett teaches receiving a second input signal indicating an interest in a third article identifier ([0012]; figure 1, selecting more information).

Barrett does not expressly disclose increasing a refresh rate of content display and varying a refresh rate of a content display based at least in part on the duration between receiving the first input signal and the second input signal.

Claypool, however, teaches these limitations as capturing the time the user actually spends looking at the page (from time of after loading the page to the time of exiting) (page 10-11, section 6.1) to assess interest.

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the teachings of Claypool would have given Barrett's method further techniques to know the user's level of interest in the current Web Page (p.2, first paragraph of Claypool).

With respect to claim 15, Barrett fails to teach the input signal comprises multiple input signals.

Claypool, however discloses this limitation as number of mouse clicks on a page (p. 12, section 6.3).

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the teachings of Claypool would have given Barrett's method further techniques to know the user's level of interest in the current Web Page (p.2, first paragraph of Claypool).

With respect to claims 19 and 20, these claims are rejected under the same rationale as claims 13-14 above under Barrett in view of Claypool.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

20050125390 A1 to Hurst-Hiller et al.

2004/0003097 A1 to Willis et al.

2003/0130982 A1 to Kasriel et al.

2005/0125382 A1 to Karnawat et al.

6,853,998 to Biebesheimer et al.

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Timblin whose telephone number is 571-272-5627. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Leslie Wong



Primary Examiner

RMT

Robert M. Timblin



Patent Examiner AU 2167